

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Summons for Defendant on Pretrial Release

FILED

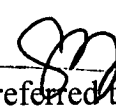
Name of Defendant: Nichole Walker (English)

2010 JUL -8 AM 10:03
Dkt No.: 09CR0583JAH-002

Reg. No.: 13509-298

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Name of Judicial Officer: The Honorable John A. Houston, U.S. District Judge (Matter referred to the Honorable William McCurine, U.S. Magistrate Judge)

BY  DEPUTY

Date Conditions Ordered: February 27, 2009, before the Honorable William McCurine, U.S. Magistrate Judge

Charged Offense: Title 21, U.S.C., Section 841(a)(1) - Possession of Methamphetamine with Intent to Distribute; Title 21, U.S.C., Section 841(a)(1) - Distribution of Methamphetamine; Title 18, U.S.C., Section 2 - Aiding and Abetting

Conditions of Release: Restrict travel to Southern District of California; do not enter Mexico; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; Provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; defendant must continue and successfully complete the program at the Family Recovery Center in Oceanside.

Modification: On March 17, 2009, bond was modified to include submit to treatment, and /or testing, as specified by the PSO, for drugs or alcohol. On December 18, 2009, your Honor granted the defendant permission to transition into the outpatient treatment phase of the drug treatment program. Additionally, Ms. Walker was to obtain outpatient treatment on a daily basis, continue to receive drug testing and was to reside with the family friend previously approved by the court. On March 1, 2010, Judge Houston granted the defendant to resume her outpatient drug treatment at Serenity II. On March 22, 2010, your Honor modified conditions of release to allow the defendant to travel to Las Vegas, Nevada, for one week, returning on March 27, 2010.

Date Released on Bond: March 18, 2009

Next Court Hearing: September 20, 2010, at 8:30 a.m., before Judge Houston for Sentencing

Asst. U.S. Atty.: Rebekah W. Young

Defense Counsel: Kasha Castillo (Appointed)

(619) 557-7179

Federal Defenders Inc.,
(619) 234-8467

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Prior Violation History: On November 6, 2009, the defendant was terminated from Family Recovery Center, for failure to comply with the rules of the drug treatment program. An Order to Show Cause Hearing was held on November 9, 2009, and your Honor allowed the defendant to remain on bond. Ms. Walker was required to reside with a family friend for thirty (30) days and then was ordered to re-enter the treatment program.

PETITIONING THE COURT

TO SUMMON THE DEFENDANT TO APPEAR IN COURT AND ADDRESS THE ALLEGATION

The Pretrial Services officer believes that the defendant has violated the following condition of pretrial release:

CONDITION(S)

ALLEGATION OF NONCOMPLIANCE

(Special Condition)

Defendant to resume and complete the outpatient drug treatment program at Serenity House II.

1. On July 7, 2010, the defendant was terminated from Serenity II, for failure to comply with the rules of the drug treatment program.

Grounds for Revocation:

On July 6, 2010, the undersigned spoke with the defendant's counselor Cynthia Tucker, who indicated the defendant had recently provided her with two forged twelve-step meeting slips. On July 1, 2010, the defendant was confronted and was given a formal write-up. Additionally, the defendant was written up for non-compliance of the housing rules.

On July 7, 2010, the undersigned was informed by Ms. Tucker, the defendant had provided a urine specimen on June 30, 2010, which tested positive for alcohol. When confronted, Ms. Walker admitted to taking NyQuil nightly to help her sleep. The undersigned asked the defendant how long she had been taking NyQuil and Ms. Walker reported "for the past month". When questioned why she did not seek medical attention, the defendant indicated she did not want to ask anyone for a referral do the doctor because she did not want to seem "crazy".

Ms. Tucker indicated the defendant would be terminated from Serenity House II, for failure to comply with the rules of the drug treatment program. Additionally, Ms. Tucker reported the defendant has until July 8, 2010, at 4:30 p.m., to leave the facility.

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In light of the defendant's current situation, Pretrial Services feels it would be appropriate to place the defendant in a sober living residence until her Order to Show Cause Hearing, scheduled for July 13, 2010, at 9:00 a.m. The undersigned spoke with Cole at Next Step Sober Living, who states there is bed space available for the defendant to reside there with her two children. Pretrial Services spoke to the defendant and she has no opposition to the proposed modification. The Assistant United States Attorney, Rebekah Young, indicated she is not opposed to the proposed modification.

The undersigned spoke with the surety, (Debbie Walker) who had no opposition to modify conditions of release to include reside in a sober living residence as directed by Pretrial Services. Pretrial Services left a message with Defense Counsel Kasha Castillo informing her of our proposed modification. However, the undersigned was informed she is out of the office until July 12, 2010.

SUPERVISION ADJUSTMENT

Ms. Walker began pretrial supervision on March 18, 2009. Her performance on pretrial supervision began to decline in November 2009, when she was terminated from the Family Recovery Center. Ms. Walker was granted permission to continue with her drug treatment program at Serenity II. On July 7, 2010, Ms. Walker was terminated from the program for failure to comply with the rules of the drug treatment program.

Criminal computerized record checks reveal no new arrests or convictions for the defendant.

RECOMMENDATION/JUSTIFICATION

Ms. Walker's behavior clearly demonstrates her failure to comply with her conditions of release. For this reason, we request your Honor to order her to appear before the Court on July 13, 2010, at 9:00 a.m., and show cause why her pretrial release should not be revoked. Additionally, we recommend the defendant be ordered to reside in a sober living residence as directed by Pretrial Services.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 8, 2010

Respectfully submitted:
LORI A. GAROFALO
CHIEF PRETRIAL SERVICES OFFICER

Reviewed and approved:

by Kimura Hazard
Kimura Hazard
U.S. Pretrial Services Officer
(619) 446-3730
Place: San Diego, California

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Supervising U.S. Pretrial Services Officer

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THE COURT ORDERS:

✓ **AGREE**, cite the defendant to appear on July 13, 2010, at 9:00 a.m., before the Honorable William McCurine, to show cause why her pretrial release should not be revoked.

✓ **AGREE**, order the defendant to reside in a sober living residence as directed by Pretrial Services.

 Other _____

William McCurine Jr.
The Honorable William McCurine
U.S. Magistrate Judge

7/8/10
Date